

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 5:23-CR-192-M-RN-1

ERIC CHARLES WELTON,

Defendant.

DOCKET CALL FOR ARRAIGNMENT
DECEMBER 13, 2023
THE HONORABLE CHIEF JUDGE RICHARD E. MYERS II
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S

On Behalf of the Government

CHARITY L. WILSON
United States Attorney's Office - EDNC
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601

On Behalf of the Defendant

CHRISTIAN EMERSON DYSART
Dysart Willis
530 Hillsborough Street, Suite 200
Raleigh, North Carolina 27603

Risa Kramer, RMR, CRR
Official Court Reporter
United States District Court
Wilmington, North Carolina

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TRANSCRIPT OF PROCEEDINGS

(Proceedings commenced at 10:02 a.m.)

THE COURT: All right. Good morning, everyone. If the clerk would please call the cases.

(Other cases were called by the clerk.)

THE CLERK: United States of America versus Eric Charles Welton.

MR. DYSART: Good morning, Your Honor. Christian Dysart on behalf of Mr. Welton. That will not be for arraignment this morning. I think that we need to address counsel.

THE COURT: Okay.

MR. DYSART: Thank you, Your Honor.

And our understanding from the Marshals is that he's still in transit.

THE COURT: Okay.

MR. DYSART: Thank you.

THE COURT: Thank you, counsel.

(The foregoing concluded at 10:03 a.m.)

(The following commenced at 11:34 a.m.)

THE COURT: All right. If the clerk would please call the case.

THE CLERK: United States of America versus Eric Charles Welton.

THE COURT: Counsel, please state your

1 appearance for the record.

2 MS. WILSON: Good morning, Your Honor.
3 Charity Wilson on behalf of the government.

4 MR. DYSART: Good morning, Your Honor.
5 Christian Dysart on behalf of the defendant, Eric
6 Welton.

7 THE COURT: And, Mr. Dysart, the Court
8 understands that you've been having difficulty
9 communicating with your client. Is that correct?

10 MR. DYSART: I believe that was communicated
11 clearly through --

12 THE COURT: I've seen the letters.

13 MR. DYSART: -- Mr. Welton's pro se filings
14 with the Court. Yes, Your Honor.

15 THE COURT: All right. I've read the pro se
16 filings in this matter.

17 Mr. Welton, do you believe that there has
18 been a breakdown in the communications between you and
19 your counsel?

20 THE DEFENDANT: Yes, Your Honor. And I have
21 additional statements, if they would add any
22 clarification.

23 MR. DYSART: I would counsel against making
24 statements on the record.

25 THE COURT: All right. What I'm going to

1 do -- what I'm going to do is order that you have new
2 counsel appointed for you at the government's expense.

3 I'm also gonna order -- on the basis of the
4 letters, the nature of the breakdown of the
5 communication, and everything that has been observed by
6 the Court -- an evaluation, which I believe may be in
7 your best interest pursuant to 4246. I'm gonna order an
8 evaluation and order that you get new counsel appointed
9 to you.

10 Mr. Willis is retained counsel. He also
11 agrees that it appears there's been a breakdown in
12 communication. So I'm going to order that he engage in
13 an orderly transition of all your materials to your new
14 counsel as soon as appointed counsel appears in your
15 case. And we'll take -- we'll make sure that he remains
16 in a position to make whatever transition is necessary.
17 He's an officer of the Court, and I completely trust him
18 to do that.

19 And then once he is done with that, the
20 Court's order is that he is relieved of all the
21 responsibility until the transition takes place; and
22 once the transition of materials takes place, the law
23 firm Dysart and Willis is relieved from the case.

24 MR. DYSART: Thank you, Your Honor.

25 THE COURT: All right. So we're gonna

1 continue this matter on the basis of the Court ordering
2 an evaluation pursuant to 4246 on the basis of the
3 materials that have been provided to the Court. I am
4 going to -- it's going to take some time to figure that
5 part out. I'm hoping that new counsel appears, and to
6 the extent new counsel appears and seeks to intervene in
7 any way regarding that decision, we'll have new counsel
8 talk to the Court about that decision. But as we now
9 stand, I'm ordering both the evaluation, the termination
10 of Dysart and Willis as counsel, and entry of appointed
11 counsel at government expense.

12 MR. DYSART: Your Honor, pursuant to what
13 the Court has just ordered -- and I think this is
14 actually reflected in a request from Mr. Welton in a
15 pro se filing -- if you would consider continuing the
16 arraignment for 60 days, I think that would allow ample
17 time for, at least, the process regarding the Court's
18 ordered evaluation to begin and also for new counsel to
19 get up to speed.

20 THE COURT: Okay. On the basis of the
21 requests entered pro se and the Court's decision to
22 relieve Dysart and Willis of their role, the Court has
23 determined that the ends of justice outweigh the
24 interests of the defendant and the public in a speedy
25 trial. Delay occasioned by the continuance for the

1 purposes of executing the evaluation shall be excluded
2 in computing the defendant's speedy trial time pursuant
3 to Title 18, United States Code, Section 3161(h)(7)(A).

4 I'm not going to set a date for arraignment
5 pending the evaluation.

6 MR. DYSART: Thank you, Your Honor.

7 Your Honor, would you have us file a motion
8 to withdraw and a proposed order consistent with the
9 Court's remarks?

10 THE COURT: I think that would be best for
11 keeping our record clean.

12 MR. DYSART: Thank you, Your Honor.

13 THE COURT: Thank you, counsel.

14 Anything further, Ms. Wilson?

15 MS. WILSON: No, sir, not from the
16 government.

17 THE COURT: All right.

18 (Proceedings concluded at 11:39 a.m.)
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C E R T I F I C A T E

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

/s/Risa A. Kramer

3/26/2024

Risa A. Kramer, RMR, CRR

Date